

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO SPECIFIC
	:	<u>PROPERTY</u>
AMIT AGARWAL,	:	
	:	S1 19 Cr. 838 (PAE)
Defendant.	:	
	:	
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WHEREAS, on or about February 11, 2021, AMIT AGARWAL (the “Defendant”), was charged in a one-count Superseding Information, S1 19 Cr. 838 (PAE) (the “Information”), with conspiracy to operate an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 371 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count One of the Information, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Information, and \$2,174,999.28 of the funds formerly on deposit at Citizens Bank in Account Number ending in 9354, held in the name of Best Electronics USA LLC, that were seized pursuant to a warrant signed by the Honorable Kevin Nathaniel Fox on or about December 20, 2019, and any and all funds traceable thereto, including accrued interest (the “Specific Property”);

WHEREAS, on or about February 11, 2021, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant

admitted the forfeiture allegation with respect to Count One of the Information and agreed (i) to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all of his right, title and interest in the Specific Property, and (ii) agreed to cause Best Electronics USA LLC to consent to the forfeiture of the Specific Property;

WHEREAS, the Defendant and Best Electronics USA LLC consent to the forfeiture of all right, title and interest in the Specific Property as property involved in the offense charged in Count One of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys, Tara M. La Morte and Cecilia E. Vogel of counsel, and the Defendant, and his counsel, Peter M. Skinner, Esq. and Brendan F. Quigley, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Best Electronics USA LLC hereby consents to the forfeiture of the Specific Property to the United States, and Best Electronics USA LLC will not file any third-party petition

or otherwise challenge the forfeiture of the Specific Property, or assist anyone other person in doing so.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, AMIT AGARWAL, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take or to maintain possession of the Specific Property and to hold such property in its secure custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant and Best Electronics USA LLC, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances

of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

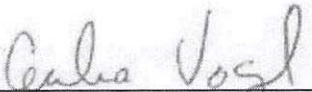
10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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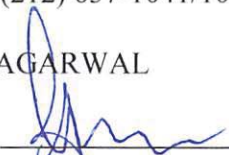
11. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: 
TARA M. LA MORTE
CECILIA E. VOGEL
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1041/1084


2/8/2021
DATE

AMIT AGARWAL
By: 
AMIT AGARWAL

2/10/21
DATE

By: _____
PETER M. SKINNER, ESQ.
Attorney for Defendant
Boies Schiller Flexner LLP
55 Hudson Yards
New York, NY 10001

DATE

By: 
BRENDAN F. QUIGLEY, ESQ.
Attorney for Defendant
Baker Botts LLP
30 Rockefeller Plaza
New York, NY 10112


2/11/21
DATE

BEST ELECTRONICS USA LLC

By: 
AMIT AGARWAL

2/11/21
DATE

SO ORDERED:



HONORABLE PAUL A. ENGELMEYER
UNITED STATES DISTRICT JUDGE

2/11/2021
DATE